

Application No.: 10/634,899  
Amendment dated: August 27, 2007  
Reply to Office Action of April 27, 2007

### **REMARKS/ARGUMENTS**

Claims 1-22 are pending in the application. Claims 2, 8, 11, 17 and 20 have been amended. Claim 2 has been amended to correct a typographical error. Claim 17 has been amended in part to comply with the Examiner's request. No new matter has been added. Claims 15 and 21 were previously withdrawn without prejudice or disclaimer of the subject matter therein. Claims 1, 2 and 7-22 are rejected. Claims 3-6 are objected to.

#### **Claim Rejections – 35 USC § 112**

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection of claim 7 is improper, since "the result latch" has proper antecedent basis in claim 5 from which it depends. Accordingly, Applicants respectfully request the § 112, second paragraph rejection be withdrawn.

#### **Double Patenting**

Claims 1-3 stand rejected as a double patenting rejection under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of prior U.S. Patent No. 6,654,909 (hereinafter "the '909 patent"). The double patenting rejection is improper, as claims 1-3 do not claim identical subject matter as claim 1 of the '909 patent. MPEP § 804 states that the determinative question for a § 101 double patenting rejection is "Is the same invention being claimed twice?" "Same invention" means "identical subject matter." MPEP § 804 further states:

For example, the invention defined by a claim reciting a compound having a "halogen" substituent is not identical to or substantively the same as a claim reciting the same compound except having a "chlorine" substituent in place of the halogen because "halogen" is broader than "chlorine."

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Claim 1 and dependent claims 2-3 claim “an error detection component to control the detection of errors in information stored in a processor resource *between stores of new information* in the processor resource.” This limitation is lacking in claim 1 of U.S. Pat. No. 6,654,909, as claim 1 claims “an error detection component to control detection of errors in information stored in a processor resource.” Clearly, in light of the guidance from MPEP § 804, pending claims 1-3 are not identical to claim 1 of the ’909 patent. Accordingly, Applicants respectfully request the § 101 double patenting rejection be withdrawn.

As claims 4-10 depend from claim 1, the § 101 double patenting rejection should be withdrawn for these claims as well.

Claims 11 and 17 stand rejected as a double patenting rejection under 35 U.S.C. § 101 as claiming the same invention as that of claim 9 and 14, respectively, of the ’909 patent. Applicants respectfully submit that, as amended, claims 11 and 17 do not claim identical subject matter as claims 9 and 14, respectively, of the ’909 patent. Claims 9 and 14 are directed to a method of controlling error detection in information stored in a processor resource *between stores of new information* in the processor resource. Pending claims 11 and 17, however, recite “controlling detection of errors in information stored in a processor resource,” *without any limitation as to when such error detection occurs*. Thus, as amended, pending claims 11 and 17 simply do not claim identical subject matter as claims 9 and 14, respectively, of the ’909 patent. Accordingly, Applicants respectfully request the withdrawal of the § 101 double patenting rejection for pending claims 11 and 17.

As claims 12-16 and 18-22 depend from claims 11 and 17, respectively, the § 101 double patenting rejection should be withdrawn as well.

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### **Claim Rejections – 35 USC § 101**

Claims 17 is rejected under 35 U.S.C. § 101 because the claim recited “comprising a computer-readable medium”. As suggested by the Office Action, Applicants have amended claim 17 to include the word “storage” after “machine-readable.” Accordingly, Applicants respectfully request the withdrawal of the rejection to claim 17 under 35 U.S.C. § 101.

### **Claim Rejections – 35 USC § 103**

Claims 1, 2 and 7-22 are rejected under U.S.C. § 103(a) as being unpatentable over Godiwala et al., hereinafter (“Godiwala”), U.S. Patent No. 5,361,267. Applicants respectfully traverse the rejection.

Godiwala is generally directed to a control flow logic device for handling data received from a bus by a bus interface, in response to a bus read transaction, and transferred to a processor. *See Abstract.*

To establish a case of *prima facie* obviousness, the prior art reference(s) must teach or suggest all the claim limitations, a suggestion or motivation to modify or combine the references must exist, and there must be a reasonable expectation of success. MPEP § 2143. No *prima facie* case of obviousness exists because the Godiwala fails to teach or suggest each and every element set forth in the pending claims.

Independent claim 1 recites:

an error detection component to control the detection of errors in *information stored in a processor resource between stores of new information in the processor resource*;

Godiwala fails to teach or suggest this subject matter. The Office Action states that Godiwala teaches “a computer system where all read transactions are checked for errors and

upon recognition of such errors, the errors are promptly reported to the processor.” Office Action of April 27, 2007, p. 4. However, the read transaction data checked for errors is not stored in the processor; rather, such data is checked for errors by a system bus interface unit prior to storage in a cache of a processor resource. *See* Godiwala, Col. 4, lines 3-33 and Col. 62, lines 4-64. Moreover, even if the data contains hard errors, the data is nevertheless written to a processor backup cache and returned to the processor that initiated the read transaction. In contrast, claim 1 recites an apparatus that detects errors in information already stored in a processor resource between stores of new information. Godiwala simply does not teach or suggest checking data already stored in a processor resource for errors, much less doing so in between stores of new information.

Moreover, one of ordinary skill in the art would not be motivated to modify the system of Godiwala to check for errors in data already stored in a processor resource because Godiwala checks read transaction data for errors prior to storage of the data in a processor. As a result, in view of Godiwala, checking for errors in data already stored in a processor resource would be redundant and unnecessary, especially given that the system of Godiwala manages to check read transaction data for errors without slowing down the timing of system bus read transactions. Accordingly, one of ordinary skill in the art simply would lack any motivation to modify the system of Godiwala to meet the present claim limitations.

Thus, because Godiwala does not teach or suggest each and every limitation of claim 1 nor provide any motivation for one of ordinary skill in the art to modify the system of Godiwala, Godiwala does not render claim 1 obvious under 35 U.S.C. § 103. Applicants thus respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103, and claims 2 and 7-10,

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which depend from allowable claim 1.

Independent claims 11 and 17 have been amended to include the same elements as independent claim 1. Therefore, for at least those reasons given above for claim 1, the rejections of claims 11 and 17 under 35 U.S.C. § 103 are believed to be overcome. Accordingly, Applicants respectfully request withdrawal of the § 103 rejections of claims 11 and 17, and claims 12-16 and 18-22, which respectively depend from allowable claims 11 and 17.

### **Allowable Subject Matter**

Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter. However, based on the above amendments and remarks, Applicants believe claims 3-6 are allowable as written. Applicants therefore respectfully request a notice of allowance to that effect be issued.

### **Request for Allowance**

It is believed that this Amendment places the application in condition for allowance, and early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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The Office is hereby authorized to charge any fees, or credit any overpayments, to  
Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON LLP

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By: Mark D. Yuan/  
Mark D. Yuan  
(Reg. No. 57,312)  
Attorneys for Intel Corporation

KENYON & KENYON LLP  
333 West San Carlos St., Suite 600  
San Jose, CA 95110

Telephone: (408) 975-7500  
Facsimile: (408) 975-7501